

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SALVATORE JULIANO SOWELL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 2:23-cv-1683

Judge Edmund A. Sargus, Jr.

Magistrate Judge Karen L. Litkovitz

ORDER

This matter is before the Court on the December 3, 2024, Report and Recommendation issued by the Magistrate Judge. (R&R, ECF No. 42.) On November 9, the Magistrate Judge issued an Order and Report and Recommendation recommending dismissal of Plaintiff Salvatore Juliano Sowell's claims for lack of subject matter jurisdiction, or, in the alternative, for failure to state a claim. (ECF No. 25.) Plaintiff did not object, and this Court adopted and affirmed the Magistrate Judge's Order and Report and Recommendation. (ECF No. 27.) The Court dismissed Plaintiff's claims with prejudice (*id.*), and judgment was entered (ECF No. 28).

Plaintiff subsequently filed several motions: Motion to Reopen Case (ECF No. 35), Motion for Leave of Court to have relief sought (ECF No. 37), Motion for Leave of Court to have relief sought (ECF No. 39), Motion for Leave to Proceed in forma pauperis (ECF No. 40), and Motion for Leave of Court for Case Reinstatement (ECF No. 41). The Magistrate Judge recommended that the Court deny each of these five motions. (R&R, PageID 201.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which

objection is made.

28 U.S.C. § 636(b)(1). The failure to file written objections to a magistrate judge's report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Plaintiff was advised of his right to object to the Report and Recommendation and of the consequences of failing to do so. (R&R, PageID 202.) Plaintiff did not timely object to the Report and Recommendation. Plaintiff filed a Motion for Leave (ECF No. 43) and a Motion for Relief (ECF No. 44) after the Magistrate Judge issued the Report and Recommendation, but neither motion addresses or objects to the Report and Recommendation.

The Court **ADOPTS** and **AFFIRMS** the Report and Recommendation. (ECF No. 42.) The Court **DENIES** Plaintiff's Motion to Reopen Case (ECF No. 35), Motion for Leave of Court to have relief sought (ECF No. 37), Motion for Leave of Court to have relief sought (ECF No. 39), Motion for Leave to Proceed in forma pauperis (ECF No. 40), and Motion for Leave of Court for Case Reinstatement (ECF No. 41).

This case remains closed.

IT IS SO ORDERED.

1/7/2025
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE